

# LOS ANGELES COUNTY LAW LIBRARY

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## BOARD OF TRUSTEES:

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RICHARD T. IAMELE, SECRETARY



RICHARD T. IAMELE, LIBRARY DIRECTOR

September 13, 2004

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

## **HEARING ON PROPOSED LAW LIBRARY FEE INCREASE (ALL DISTRICTS) (3-VOTES)**

### **IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:**

1. Approve an increase of \$2.00 in the Law Library component of the civil filing fee from \$16.00 to \$18.00, in the Superior Court, effective January 1, 2005.
2. Exclude the \$2.00 increase from the definition of "total filing fee" under Government Code Sections 26820.6 and 72055.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The Board of Law Library Trustees of Los Angeles County approved a resolution to implement provisions of Business and Professions Code Section 6322.1(b) to seek an order from the Board of Supervisors increasing the Law Library's component of the civil filing fee in Superior Court from \$16.00 to \$18.00 effective January 1, 2005 in order to defray the expenses of the Law Library (see Attachment A). Business and Professions Code Section 6322.1(b) permits a fee increase for that purpose and authorizes your Board to exclude the \$2.00 increase from the definition of "total filing fee" under Sections 26820.6 and 72055 of the Government Code.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION** (continued)

It has been one year since your Board approved a \$2.00 increase in the Law Library filing fee from \$14.00 to \$16.00, effective January 1, 2004. The fee increase did not produce the amount of increased revenue projected (see Attachment B). This was due to the continued decline in civil filings (see Attachment C). The Library undertook cost saving measures (e.g. reduced hours of operation of the Main Library and the Branch Libraries, reduced book expenditures in the Branch Libraries, increased services fees and deposits, and imposed an annual borrowing fee). In spite of these measures the Law Library had to use \$280,000 from its shrinking reserves to cover expenses. The current filing fee is not adequate to defray the expenses of the Law Library. If a \$2.00 filing fee increase is not approved by your Board, the Law Library projects a deficit of \$283,000 in Fiscal Year 2004/2005. Even if a \$2.00 increase is approved, the Law Library projects that revenue will exceed expenditures by only \$6,000. Even this razor thin margin will only be achieved by closing one Branch Library, eliminating the position of Deputy Library Director, freezing four positions, and reducing the Main Library's books budget by \$100,000. Attachment D demonstrates the general inadequacy of the filing fee since Fiscal Year 1991/1992. The Law Library filing fee in Los Angeles County is one of the lowest in the State (see Attachment E). Business and Professions Code Section 6322.1(b) permits a fee increase in such a situation.

### **FISCAL IMPACT/FINANCING**

A \$2.00 increase to \$18.00 is expected to raise an additional \$742,000 annually for the Law Library. Because the increase will take effect on January 1, 2005, the Library will only receive five (5) months of additional income for Fiscal Year 2004/2005, a total of \$289,000. There will be no increase in revenue to the general fund. The increase must be used to offset increased law Library expenses. Because the increase is excluded from the definition of the "total filing fee" in Government Code Section 26820.6 and 72055, there will be no reduction in the portion of the civil filing fee due to the County, the State, the courts or any other agency.

The filing fee increase will have no effect on the County budget since the filing fee is paid by litigants.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Los Angeles County Law Library is a local government agency established by State law, which is not part of County government. It is a public law library serving judges, government officials, attorneys and residents of the County. Eighty-three percent (83%) of its funding comes from a portion of the civil filing fee in the Los Angeles Superior Court. It receives no funding from the County, State, Federal or City governments.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS (continued)**

A public hearing is required pursuant to Government Code Section 66018 prior to the approval of an increase to an existing fee.

A notice of public hearing has been published by the Executive Office in accordance with Section 6062a, as required by Section 66018 of the Government Code.

This letter has been reviewed by the County Counsel's Office.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

An increase in the law library filing fee will enable the Law Library to continue to provide first class legal collections and services to the residents of the County, and in conjunction with other measures already taken by the Board of Trustees will help to close a \$724,000 deficit in Fiscal Year 2004/2005. The Board of Law Library Trustees has recently voted to close one Branch Library, reduce the Main Library book budget by \$100,000, eliminate the position of Deputy Library Director and freeze four positions. The revenue from a \$2.00 filing fee increase, together with the other measures already taken, is a critical component in closing the deficit. If an increase is not approved, the Board of Law Library Trustees will be faced with more difficult choices, all of which will affect the residents of the County. These include further reductions in operations, services, book collections, and the closing of a minimum of five (5) Branch Libraries.

Respectfully submitted,

Richard T. Iamele  
Law Library Director and Secretary of the  
Board of Law Library Trustees

cc: Chief Administrative Officer  
County Counsel  
Executive Officer, Board of Supervisors  
Auditor-Controller

RTI:tg

Attachments (6)

## **ATTACHMENT A**

### **RESOLUTION ADOPTED BY THE BOARD OF LAW LIBRARY TRUSTEES OF LOS ANGELES COUNTY AT ITS REGULAR MEETING OF AUGUST 18, 2004**

**WHEREAS**, the Board of Supervisors of the County of Los Angeles is empowered by Section 6322.1, subsection (b) of the Business and Professions Code of the State of California to increase the Law Library Filing Fee over ten dollars (\$10) by no more than two dollars (\$2), if it excludes the increase from the definition of "total filing fee" under Sections 26820.6 and 72055 of the Government Code of the State of California, for each event provided in Sections 6321 and 6322 of the Business and Professions Code; and

**WHEREAS**, the Board of Supervisors of the County of Los Angeles is empowered by Section 6322.1, subsection (c) of the Business and Professions Code to make any increase in the Law Library Filing Fee effective January 1 of the year next following adoption by the Board of Supervisors; and

**WHEREAS**, the current Law Library Filing Fee is not sufficient to defray the expenses of the Law Library; and

**WHEREAS**, it is the finding of the Board of Law Library Trustees of Los Angeles County that a fee increase of two dollars (\$2) in the Superior Court is needed in order to defray the expenses of the Law Library;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Los Angeles is requested to order that the filing fee for the Law Library be increased to eighteen dollars (\$18) in the Superior Court for each event described in Sections 6321 and 6322 of the Business and Professions Code of the State of California, effective January 1, 2005; and

**BE IT RESOLVED FURTHER**, that the Board of Supervisors of Los Angeles County exclude the two dollars (\$2) increase from the definition of "total filing fee" under Sections 26820.6 and 72055 of the Government Code of the State of California.,

**ATTACHMENT B**

**BUDGETED REVENUE/EXPENDITURES 2003/2004  
COMPARED TO ACTUAL 2003/2004**

	<b>Budgeted 03/04</b>	<b>Actual 03/04</b>	<b>Difference</b>
<b>Filing Fee Revenue</b>	<b>6,022,333</b>	<b>5,472,473</b>	<b>(549,860)</b>
<b>Total Revenue</b>	<b>7,260,833</b>	<b>6,627,549</b>	<b>(633,284)</b>
<b>Operating Expenditures</b>	<b>6,973,475</b>	<b>6,889,460</b>	<b>( 84,015)</b>
<b>Capital Expenditures</b>	<b>35,000</b>	<b>18,797</b>	<b>( 16,203)</b>
<b>Surplus/(Deficit)</b>	<b>252,358</b>	<b>(280,708)</b>	<b>533,066</b>

**COMPARISON OF FILING FEE REVENUE DURING THE FIVE (5) MONTHS \$16  
FILING FEE WAS IN EFFECT IN 2003/2004 COMPARED TO SAME PERIOD IN  
2002/2003**

	<b><u>2002/2003</u></b>	<b><u>2003/2004</u></b>	<b><u>DIFFERENCE</u></b>
<b>FEBRUARY</b>	452,599	423,062	(29,537)
<b>MARCH</b>	425,144	435,752	10,608
<b>APRIL</b>	456,582	495,730	39,148
<b>MAY</b>	497,635	499,081	1,446
<b>JUNE</b>	458,239	424,317	(33,922)
<b>TOTAL</b>	2,290,199	2,277,942	(12,257)

## ATTACHMENT C

### COURT FILINGS IN LOS ANGELES COUNTY

	Probate	Family	Motor Vehicle P.I.	Other P.I.	Other Civil	Limited	Total All Filings
1989-90	19,194	40,909	35,348	18,079	26,082	226,424	366,036
1990-91	17,350	39,823	33,178	16,071	28,537	230,553	365,512
1991-92	16,782	39,865	26,917	17,519	30,354	244,873	376,310
1992-93	14,513	36,351	17,755	15,729	27,954	217,341	329,643
1993-94	14,322	36,855	14,739	13,823	28,206	197,975	305,920
1994-95	14,104	37,107	13,791	11,973	28,172	204,404	309,551
1995-96	13,628	38,026	14,578	11,092	28,312	197,789	303,425
1996-97	12,654	37,501	12,332	8,476	31,649	200,880	303,492
1997-98	12,272	35,706	11,928	9,625	29,489	198,989	298,009
1998-99	12,498	36,025	11,928	8,995	29,028	187,709	286,183
1999-00	12,997	36,551	12,226	8,933	28,507	168,156	267,370
2000-01	12,691	38,850	14,851	9,956	29,820	177,149	283,317
2002-03	12,327	38,811	14,941	10,103	28,043	182,367	286,592
2003-04	11,347	37,307	10,435	9,333	26,706	158,541	253,669

## ATTACHMENT D

### LAW LIBRARY REVENUE AND EXPENDITURES 1991/92 TO 2003/2004

	Filing Fee Revenue	Total Revenue	Expenditures	Over/(Under)
1991/92*	5,666,000	6,698,000	5,244,000	1,454,000
1992/93	5,202,000	6,161,000	5,873,000	288,000
1993/94	4,776,000	5,694,000	5,804,000	(110,000)
1994/95	4,520,000	5,523,000	5,689,000	(166,000)
1995/96	4,452,000	5,471,000	5,649,000	(178,000)
1996/97**	4,571,000	5,542,000	5,692,000	(150,000)
1997/98	4,834,000	5,811,000	5,815,000	(4,000)
1998/99	4,919,000	6,033,000	6,067,000	(34,000)
1999/00	4,854,000	5,961,000	6,114,000	(153,000)
2000/01***	5,114,000	6,276,000	6,315,000	(39,000)
2001/02	5,881,000	6,890,000	6,624,000	266,000
2002/03	5,669,000	6,594,000	7,365,000	(771,000)
2003/04****	5,472,000	6,628,000	6,908,000	(280,000)

\* Filing fee increase from \$5 to \$10

\*\* Filing fee increase from \$10 to \$12

\*\*\* Filing fee increase from \$12 to \$14

\*\*\*\* Filing fee increase from \$14 to \$16

***** 2004/2005	5,546,000	6,727,000	7,010,000	(283,000)
***** 2004/2005	5,835,000	7,016,000	7,010,000	6,000

\*\*\*\*\* Projected without a \$2.00 filing fee increase

\*\*\*\*\* Projected with a \$2.00 filing fee increase

## ATTACHMENT E

### COUNTY LAW LIBRARY FILING FEE 2004 (Arranged by Amount of Fee)

<u>COUNTY</u>	<u>LAW LIBRARY FEE</u>	<u>COUNTY</u>	<u>LAW LIBRARY FEE</u>
SACRAMENTO	41	RIVERSIDE	23
HUMBOLDT	40	SAN BERNARDINO	23
SAN FRANCISCO	33	TRINITY	23
SAN DIEGO	32	MONTEREY	22.50/20/20
SANTA BARBARA	32	AMADOR	20
SAN LUIS OBISPO	31	COLUSA	20/12/12
SAN MATEO	29.50	DEL NORTE	20
BUTTE	29	GLENN	20
FRESNO	29/26/26	IMPERIAL	20
MARIN	29	INYO	20
SONOMA	29	KINGS	20
ALAMEDA	28	MERCED	20
MARIPOSA	28/23.50/23.50	MODOC	20
CALAVERAS	26/21/18	MONO	20
CONTRA COSTA	26	NAPA	20
MADERA	26	NEVADA	20
MENDOCINO	26	PLUMAS	20
ORANGE	26	SAN BENITO	20
PLACER	26	SAN JOAQUIN	20
SANTA CLARA	26	SHASTA	20
SANTA CRUZ	26	SIERRA	20
SISKIYOU	26	TEHAMA	20
SOLANO	26	TUOLUMNE	20
TULARE	26	KERN	18
VENTURA	26	<b>LOS ANGELES</b>	<b>16</b>
YOLO	26/26/21	STANISLAUS	15
LASSEN	25	SUTTER	7/7/3
EL DORADO	23	YUBA	7
LAKE	23	ALPINE	4



**NOTICE OF PUBLIC HEARING  
PROPOSED FEE SCHEDULE**

Notice is hereby given that a public hearing will be held by the Board of Supervisors regarding increasing the Law Library portion of the civil filing fee from \$16 to \$18 in the Superior Court effective January 1, 2005 and excluding the increase from the definition of the "total filing fee" in Government Code Sections 26820.6 and 72055.

Said hearing will be held on \_\_\_\_\_ at 9:30 a.m., in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the fee schedule. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call (213) 629-3531, ext. 319.

Si no entiende esta noticia o si necesita mas informacion, favor de llamar a esta numero (213) 629,ext. 319.

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VIOLET VARONA-LUKENS, Executive Officer-  
Clerk of the Board of Supervisors of the  
County of Los Angeles